

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIONNA CHANTE ENA SEARS,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SYBIL DENISE TOLBERT,

Respondent-Appellant,

and

WILLIE SEARS,

Respondent.

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UNPUBLISHED

January 27, 2004

No. 248902

Wayne Circuit Court

Family Division

LC No. 00-390832

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err when it found that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication was respondent-appellant's use of cocaine and heroin both during and after her pregnancy. The evidence established that, although respondent-appellant had periods of sobriety during inpatient treatment, she relapsed after reentering society. There was no reasonable likelihood that her substance abuse problem would be rectified within a reasonable time, considering the child's age. See MCL 712A.19b(3)(c)(i).

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357, 365; 612 NW2d 407 (2000). Although the evidence indicated respondent-appellant loved her child and interacted well with her, the child had not formed a special bond

and respondent-appellant's substance abuse interfered with her ability to properly care for the child.

Therefore, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard A. Griffin  
/s/ Kathleen Jansen